IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

CRL.A.No. 65 of 1999(A)

ST.3068/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

.....

APPELLANT/COMPLAINANT:

M/S.VALAPPILA ADVERTISING SERVICE, BASILICA SQUARE, THRISSUR-1, A PROPRIETORY CONCERN WHOSE PROPRIETOR IS PAUL VALAPPILA, REP. BY THE POWER HOLDER – K.R.SURESHKUMAR, S/O.RAVINDRAN, KOMATIL HOUSE, CHERUR DESOM, VILVATTOM VILLAGE, THRISSUR TALUK.

BY ADV. SRI.V.R.KESAVA KAIMAL

RESPONDENTS/ACCUSED:

---

1. M/S.GEM JEWELLERS, COCHIN DEVASWOM BOARD BUILDING ROUND NORTH, THRISSUR – 1, A PARTNERSHIP FIRM REP. BY ITS PARTNER JAMES P.PALLISSERY, PALLISSERY HOUSE, PLOT NO.65, NEHRU NAGAR, KURIACHIRA, THRISSUR – 6.

2. JAMES P.PALLISSERY, S/O.PORINCHU -DO- -DO-.

3. C.A.JOSE, S/O.ANTONY, CHIRAMEL HOUSE, KURIACHIRA, THRISSUR – 6.

4. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

R4 BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSH KUMAR.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY, J.

CRL.APPEAL No. 65 of 1999

Dated this the 6th day of December, 2006

Judgment

Complaint filed by the appellant under section 138 of the Negotiable Instruments Act was rejected and accused was acquitted under section 256 of the Code of Criminal Procedure. Amount involved is only Rs.3,300/-. It was not able to serve notice on the respondents so far. Considering the amount involved and considering the fact that no notice was served to the accused even though appeal was pending from 1999 onwards and considering the fact that dismissal of the complaint and acquittal of the accused for absence of the complainant under section 256 is not illegal, this appeal is dismissed.

J.B.KOSHY
JUDGE

vaa

-

J.B. KOSHY, J.

CRL.APPEAL No.65/99

Judgment

Dated:6th December, 2006